

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VINCENT CANADA,

Petitioner,

v.

OPINION AND ORDER

20-cv-405-wmc

MATTHEW MARSKE,

Respondent.

Petitioner Vincent Canada, who was previously a federal prisoner incarcerated at the Federal Correctional Institution in Oxford, Wisconsin, seeks post-conviction relief pursuant to 28 U.S.C. § 2241. Canada filed his petition on April 29, 2020. In his petition to this court, Canada alleges that on June 12, 2019, in the Western District of Michigan, his supervised release was revoked, and the sentencing judge imposed 12-month term of incarceration, as well as a condition of supervision that he reside at a Residential Re-entry Center (“RRC”) for a period of six months.

In his petition before this court, Canada claims that the Bureau of Prisons’ (“BOP”) increased his revocation sentence by six months because the warden of FCI-Oxford concluded that the six-month RRC term was a term of his supervision, not part of his 12-month term of incarceration. However, on June 8, 2020, Canada notified the court that his address changed to an address in Michigan. Canada has not updated the court about the nature of his status, but a review of his criminal proceeding in the Western District of Michigan confirms that he was placed at an RRC on May 29, 2020; on November 2, 2020,

his term of supervised release was revoked because he absconded from the RRC where he was placed; he was sentenced to an additional 14-month term of imprisonment, with no term of supervised release to follow. *United States v. Canada*, No. 1:09-CR-382, dkt. ##97, 101, 108 (W.D. Mich.). Although Canada is not listed as being in BOP custody, his release date is October 16, 2021. See <https://www.bop.gov/inmateloc> (last visited May 19, 2021). Canada's exact status is unknown, but at minimum, his challenge to the FCI-Oxford warden's judgment about his June 12, 2019, sentence is moot, since the court cannot conceive that Canada may be suffering from any collateral consequences of that decision that this action might correct. See *Spencer v. Kemna*, 523 U.S. 1, 12-13, 118 S. Ct. 978 (1998) (where a released petition does not challenge the underlying criminal conviction, but the revocation, collateral consequences are questionable and speculative). Therefore, the court is dismissing this action.

ORDER

IT IS ORDERED that Vincent Canada's petition under 28 U.S.C. § 2241 is DISMISSED as moot.

Entered this 19th day of May, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge